

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

10 DAWN FIFER,)
11 Plaintiff,) No. CV-08-0109-JPH
12 v.) ORDER GRANTING STIPULATION
13 MICHAEL J. ASTRUE,) TO REMAND
14 Commissioner of Social)
15 Security,)
16 Defendant.)

The parties have filed a stipulation for remand of this case to the Commissioner for further administrative proceedings. (Ct. Rec. 14). The parties have filed a consent to proceed before a magistrate judge. (Ct. Rec. 3).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case be remanded for a *de novo* hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge will: (1) further evaluate the severity of all of Plaintiff's impairments, individually and in combination, throughout the sequential evaluation process; (2) the ALJ will consider Dr. Kenney's opinion that Plaintiff has chronic fatigue syndrome; (3) the ALJ will further evaluate Plaintiff's

1 subjective complaints; (4) the ALJ will further evaluate
2 Plaintiff's RFC; and (5) if necessary, obtain a VE's testimony to
3 clarify the effect of the assessed limitations on plaintiff's
4 ability to perform work.

5 Accordingly, this court reverses the Commissioner's decision
6 under sentence four of 42 U.S.C. § 405(g) with a remand of the
7 cause to the Commissioner for further proceedings. See, *Melkonyan*
8 *v. Sullivan*, 501 U.S. 89 (1991).

9 **IT IS FURTHER ORDERED:**

10 1. The parties' Stipulation for Remand (**Ct. Rec. 14**) is
11 **GRANTED.**

12 2. Judgment shall be entered for the **PLAINTIFF**.

13 3. An application for attorney fees may be filed by
14 separate motion.

15 4. The District Court Executive is directed to enter
16 this Order, forward copies to counsel, and **close** this file.

17 **IT IS SO ORDERED.**

18 **DATED** this 17th day of October, 2008.

19
20

s/James P. Hutton
21 JAMES P. HUTTON
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28